

United States District Court**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

§

vs.

§

Case No. 4:07cr58

§

(Judge Schell)

RONNIE GLEN HOLLINS (8)

§

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 28, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Randall Blake.

On December 12, 2007, Defendant was sentenced by the Honorable Richard A. Schell to thirty (30) months' custody followed by three (3) years of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Cocaine and Cocaine Base. On June 26, 2009, Defendant completed his period of imprisonment and began service of his supervised term.

On November 16, 2010, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. The petition also alleged violations of the following standard conditions: (1) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; (2) the defendant shall

notify the probation officer ten days prior to any change in residence or employment; and (3) the defendant shall report to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days of each month. The petition also alleged violations of the following special condition: (1) the defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

The petition alleges that Defendant committed the following acts: (1) Defendant submitted a urine specimen on September 8, 2010, that tested positive for marijuana; (2) Defendant began employment at Wal-Mart, McKinney, Texas, on or about December 1, 2009, and failed to notify the U.S. Probation Office of his employment; (3) Defendant failed to submit a written monthly report for the month of October 2010; and (4) Defendant failed to report as directed for drug testing at Bob Alterman, LCDC on October 21, 2010, October 25, 2010, November 3, 2010, November 8, 2010, and November 11, 2010.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit, and that Defendant not be placed at the Pollack Unit.

.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing.

Defendant and the Government also waived their right to file objections.

SIGNED this 29th day of March, 2011.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE